

FILED

DEC - 4 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VAN A. PEÑA,

No. C. 00-4009 CW

Plaintiff,

VERDICT FORM

v.

JUDITH BJORNDAL,

Defendant.

Photographing Patients

1. Was Dr. Peña's photography of patients a part of his official duties as a physician at the Sonoma Developmental Center?

Yes _____ No ☒

[If the answer to Question No. 1 is "yes," proceed to Question No. 3. Do not answer Question No. 2.]

2. Was Dr. Peña's photography of patients a substantial or motivating factor in Dr. Bjorndal's decision to terminate Dr. Peña's employment?

Yes _____ No ☒

Prior Lawsuit

3. Was Dr. Peña's prior lawsuit a substantial or motivating factor in Dr. Bjorndal's decision to terminate Dr. Peña's employment?

Yes _____ No ☒

[If the answers to Question Nos. 2 and 3 are both "no," please sign, date and return this form. If the answer to Question Nos. 2 or 3 or both is "yes," please continue to Question No. 4.]

Mixed Motive Affirmative Defense

4. Would Dr. Bjorndal have terminated Dr. Peña's employment even if he had not taken photographs of patients and/or filed his prior lawsuit?

Yes _____ No _____

[If the answer to Question No. 4 is "no," please continue to Question No. 5. If the answer to Question No. 4 is "yes," please sign, date and return this form.]

Damages

[Answer Question No. 5 only if you answered "yes" to Question Nos. 2 or 3 or both and answered "no" to Question No. 4. If you did not, please sign, date and return this form.]

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United States District Court

For the Northern District of California

1 5. State the full amount of money that you decide is
2 reasonable to compensate Dr. Peña for the damages he
3 suffered as a result of Dr. Bjorndal's violation of his
4 First Amendment rights.

5 a. Past earnings: \$ _____

6 b. Future earnings
7 (reduced to present value): \$ _____

8 c. Emotional distress damages: \$ _____
9

10 6. Do you find that Dr. Bjorndal acted in reckless disregard
11 of Dr. Peña's rights, thus entitling Dr. Peña to punitive
12 damages?

13 Yes _____ No _____

14 [If the answer to Question No. 6 is "no," do not answer
15 Question No. 7. Please sign, date and return this
16 form.]
17

18 7. What is a reasonable amount to punish Dr. Bjorndal for
19 her conduct and to deter others from committing similar
20 acts?

21 \$ _____
22

23 Please sign, date and return this form.

24 Dated:

25 12-4-09
26 1052am
27
28

Eve Ridgers
Jury Foreperson